



PATENT
Customer No. 22,852
Attorney Docket No. 7883.0097-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Katherine S. TWEDEN et al.)	Group Art Unit: 3738
)	
Application No.: 10/639,614)	Examiner: Unknown
)	
Filed: August 11, 2003)	
)	Confirmation No. 5399
For: HEALING TRANSMYOCARDIAL)	
IMPLANT)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

The documents listed on pages 1-2 of the Form PTO/SB/08 were previously considered in prior applications, Application No. 10/095,165, filed March 8, 2002, and Application No. 09/141,284, filed August 27, 1998, upon both of which Applicants rely for the benefits provided in 35 U.S.C. § 120. Copies of the foreign and non-patent literature documents listed on pages 3-12 of the Form PTO/SB/08 are attached.

Applicants respectfully request that the Examiner consider the listed documents and

indicate that they were considered by making appropriate notations on the attached Form PTO/SB/08.

Regarding the non-English language documents:

WO 96/32972 - An English language Abstract is submitted herewith. Moreover, U.S. Patent No. 6,458,323 B1 and U.S. Patent Application Publication No. 2003/0044315 A1 are believed to be English language counterpart applications of WO 96/32972.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

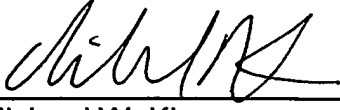
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please
charge the fee to our Deposit Account No. 06-0916.

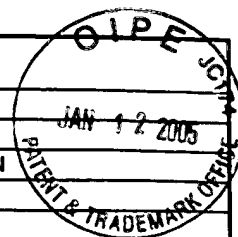
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 12, 2005

By: 
Michael W. Kim
Reg. No. 51,880

IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/639.614	
			Filing Date	August 11, 2003	
			First Named Inventor	Katherine S. TWEDEN	
			Art Unit	3738	
			Examiner Name	Unknown	
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		5,429,144 B1	07-04-1995	Wilk	
		5,449,373 B1	09-12-1995	Pinchasik et al.	
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 97/27898 A1	08-07-1997	Transvascular, Inc.		
		WO 97/47651 A1	12-18-1997	Novo Nordisk A/S & Zymogenetics		
		WO 98/06356 A1	02-19-1998	Heartstent Corporation		
		WO 98/08456 A1	03-05-1998	Transvascular, Inc.		
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		WO 99/17683 A1	04-15-1999	Percardia, Inc.		

NON PATENT LITERATURE DOCUMENTS
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Application Number</i>	10/639.614
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				<i>Examiner Name</i>	Unknown
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Carter, A. J. et al., "Effects of Endovascular Radiation From a .beta.-Particle-Emitting Stent in a Porcine Coronary Restenosis Model", Circulation, 94(10):2364-2368 (Nov. 15, 1996).	
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
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		Number-Kind Code ⁸ (if known)			
		5,258,008 B1	11-02-1993	Wilk	
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		Country Code ⁹ Number ¹⁰ Kind Code ¹¹ (if known)				
		WO 96/32972 A1	10-24-1996	Bookstegers, Peter		Abstract
		WO 99/38459 A2	08-05-1999	Wilk Patent Development Corporation		
		AU 757647 B2	02-27-2003	Wilk Patent Development Corporation		

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Examiner Initials	Cite No. ¹³	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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				Examiner Name	Unknown
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First Named Inventor	Katherine S. TWEDEN
Art Unit	3738
Examiner Name	Unknown
Attorney Docket Number	7883.0097-02

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Art Unit

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				First Named Inventor	Katherine S. TWEDEN
				Art Unit	3738
				Examiner Name	Unknown
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Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		Translation ⁶
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Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.